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9
 UNITED STATES DISTRICT COURT
 10 DISTRICT OF NEVADA

3:17-CR-0114-LRH-VPC

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DEVENDRA I. PATEL M.D.,
 a.k.a., DEVENDRAKUMAR I. PATEL M.D.,

Defendant.

INDICTMENT FOR VIOLATION OF:

21 U.S.C. § 841(a)(1) - Distribute a
 Controlled Substance (Counts 1 through 36);
 and
 18 U.S.C. § 1347 – Health Care Fraud
 (Counts 37 through 39)

UNDER SEAL15
 THE GRAND JURY CHARGES THAT:

16 At times material to this Indictment:

17
Introduction

18 1. The Defendant, Devendra I. Patel, M.D., (“Patel”) is a licensed physician, with
 19 Nevada license number 11068, who has practiced medicine in Nevada since 2004. Defendant
 20 Patel previously practiced medicine in New York and Nebraska. He maintains his medical
 21 practice, Northeastern Nevada Cardiology, which is located at 674 North Cedar Street, Elko,
 22 Nevada. Defendant Patel is a cardiologist. As part of his practice, he prescribes Controlled
 23 Substances, including opioids, with a DEA license number BP6740662.

1 2. Under the Controlled Substances Act, Title 21, United States Code, Section 841(a)
2 et seq., and Title 21, Code of Federal Regulations, Section 1306.04, a prescription for a controlled
3 substance is not legal or effective unless it was issued for a legitimate medical purpose by a
4 practitioner acting in the usual course of professional practice.

5 3. Defendant Patel routinely prescribes various Schedule II-IV controlled substances
6 including Fentanyl, Hydrocodone and Oxycodone for his patients, outside the usual course of
7 professional practice, without a legitimate medical purpose.

8 4. Further, Defendant Patel routinely has his patients submit to unnecessary heart
9 testing in order to fraudulently obtain private insurance, Medicare and Medicaid payments.

10 5. One such procedure he routinely administers, without medical necessity, is a
11 nuclear stress test. A nuclear stress test, which involves injecting a radioactive dye into the
12 patient's bloodstream, is typically ordered if you have undiagnosed heart problems or a diagnosis
13 such as coronary artery disease. This test measures blood flow. The test provides images that can
14 show areas of low blood flow through the heart and damaged heart muscle. The test usually
15 involves taking two sets of images of your heart — one while at rest and another after the heart
16 is stressed, either by exercise or medication.

17 6. Defendant Patel broadly performed EKGs on his patients. These tests routinely
18 showed the results as abnormal. Patel performed the EKGs so that he could then order these
19 nuclear stress tests for his patients, all without medical necessity. He utilized a poorly calibrated
20 machine and presented his patients with fraudulent X-Rays, in order to deceive his patients into
21 thinking they had coronary issues that needed to be treated by him.

22 7. Defendant Patel also would bill Medicare or Medicaid for these nuclear stress
23 tests, when he did not actually perform the test on the patients.

8. Medicare and Medicaid continued paying for the unnecessary tests for Patel's patients, or paying for these tests that were not performed, resulting in Patel receiving fraudulent provider payments.

COUNTS ONE THROUGH TWENTY-ONE
(Distribution of Controlled Substances - Schedule II)

The Grand Jury incorporates Paragraphs One through Eight as though fully set forth herein.

On or about the dates set forth below, in the State and Federal District of Nevada,

DEVENDRA I. PATEL,

10 Defendant herein, did knowingly and intentionally distribute, a mixture and substance containing
11 a detectable amount of a Schedule II controlled substance, as listed below, without a legitimate
12 medical purpose and outside the usual course of professional practice, each of which constitutes
13 a separate count of this Indictment:

Count	Approximate Date of Distribution	Patient	Controlled Substance
1	September 14, 2015	Patient A	Oxycodone
2	November 12, 2015	Patient A	Oxycodone
3	December 14, 2015	Patient A	Oxycodone
4	January 13, 2016	Patient A	Oxycodone
5	February 12, 2016	Patient A	Oxycodone
6	May 1, 2014	Patient B	Oxycodone
7	May 1, 2014	Patient B	Morphine Sulfate
8	May 30, 2014	Patient B	Oxycodone
9	May 30, 2014	Patient B	Morphine Sulfate
10	June 27, 2014	Patient B	Oxycodone
11	June 27, 2014	Patient B	Morphine Sulfate

1	12	July 25, 2014	Patient B	Oxycodone
2	13	July 25, 2014	Patient B	Morphine Sulfate
3	14	August 22, 2014	Patient B	Oxycodone
4	15	August 22, 2014	Patient B	Morphine Sulfate
5	16	September 20, 2014	Patient B	Oxycodone
6	17	September 20, 2014	Patient B	Morphine Sulfate
7	18	October 20, 2014	Patient B	Oxycodone
8	19	October 20, 2014	Patient B	Morphine Sulfate
9	20	November 20, 2014	Patient B	Oxycodone
	21	November 20, 2014	Patient B	Morphine Sulfate

All in violation of Title 21, United States Code, Sections 841(a)(1), and Title 21, Code of Federal Regulations, Section 1306.04.

COUNTS TWENTY-TWO THROUGH TWENTY-FIVE
(Distribution of Controlled Substances - Schedule III)

The Grand Jury incorporates Paragraphs One through Eight as though fully set forth herein.

On or about the dates set forth below, in the State and Federal District of Nevada,

DEVENDRA I. PATEL,

Defendant herein, did knowingly and intentionally distribute, a mixture and substance containing a detectable amount of a Schedule III controlled substance, as listed below, without a legitimate medical purpose and outside the usual course of professional practice, each of which constitutes a separate count of this Indictment:

Count	Approximate Date of Distribution	Patient	Controlled Substance
22	November 22, 2015	Patient C	Hydrocodone-Acetaminophen aka "Norco"
23	December 20, 2015	Patient C	Hydrocodone-Acetaminophen aka "Norco"
24	January 19, 2016	Patient C	Hydrocodone-Acetaminophen aka "Norco"
25	February 15, 2016	Patient C	Hydrocodone-Acetaminophen aka "Norco"

All in violation of Title 21, United States Code, Sections 841(a)(1) and Title 21, Code of Federal Regulations, Section 1306.04.

COUNTS TWENTY-SIX THROUGH THIRTY-SIX
(Distribution of Controlled Substances - Schedule IV)

The Grand Jury incorporates Paragraphs One through Eight as though fully set forth herein.

On or about the dates set forth below, in the State and Federal District of Nevada,

DEVENDRA I. PATEL,

Defendant herein, did knowingly and intentionally distribute, a mixture and substance containing a detectable amount of a Schedule IV controlled substance, as listed below, without a legitimate medical purpose and outside the usual course of professional practice, each of which constitutes a separate count of this Indictment:

Count	Approximate Date of Distribution	Patient	Controlled Substance
26	August 22, 2017	Patient D	Xanax
27	August 22, 2017	Patient D	Ambien

1	28	August 22, 2017	Patient D	Provigil
2	29	September 28, 2017	Patient D	Xanax
3	30	September 28, 2017	Patient D	Ambien
4	31	September 28, 2017	Patient D	Provigil
5	32	September 28, 2017	Patient D	Tramadol
6	33	September 28, 2017	Patient D	Nuvigil
7	34	September 29, 2017	Patient E	Tramadol
8	35	September 29, 2017	Patient E	Nuvigil
9	36	September 29, 2017	Patient E	Ambien

All in violation of Title 21, United States Code, Sections 841(a)(1); and Title 21, Code of Federal Regulations, Section 1306.04.

COUNTS THIRTY-SEVEN THROUGH THIRTY-NINE
(Health Care Fraud)

The Grand Jury incorporates Paragraphs One through Eight as though fully set forth herein.

On or about June 19, 2014, continuing to on or about June 10, 2016, in the State and Federal District of Nevada,

DEVENDRA I. PATEL

did knowingly and willfully execute a scheme and artifice to defraud a health care benefit program, to wit: the Medicaid and Medicare Part B and D programs, and to obtain by means of materially false and fraudulent pretenses, representations, promises, and omissions, money and property owned by and under the custody and control of Medicaid and Medicare, in connection with the delivery of and payment for health care benefits, items and services, to wit: nuclear

1 stress tests, with each Patient, identified herein as Patients F, G and H, constituting a separate
2 violation of Title 18, United States Code, Section 1347.

<u>COUNT</u>	<u>Patient</u>	<u>Approximate Dates</u>	<u>Health Care Benefit</u>
37	Patient F	June 19, 2015	Medicaid
38	Patient G	June 10, 2016	Medicaid
39	Patient H	June 19, 2014	Medicare Part B

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8 DATED: this 6th day of December, 2017.

9 A TRUE BILL:
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